

AMENDED IN SENATE APRIL 9, 2007

SENATE BILL

No. 219

Introduced by Senator Steinberg *Senators Steinberg and Romero*

February 9, 2007

An act to amend Section 52052 of the Education Code, relating to pupil achievement.

LEGISLATIVE COUNSEL'S DIGEST

SB 219, as amended, Steinberg. Pupil achievement: Academic Performance Index.

Existing law requires the Superintendent of Public Instruction, with approval of the State Board of Education, to develop the Academic Performance Index (API), ~~which consists~~ *consisting* of a variety of indicators currently reported to the State Department of Education; to track the achievement of schools and their pupils. Statutory provisions establish a specific calculation for graduation rates to be included within the API and ~~requires~~ *require* the Superintendent to provide an annual report to the Legislature on ~~the~~ graduation and dropout rates in California.

This bill would require the Superintendent, with approval of the state board, to revise the API to, ~~among other things, include, by July 1, 2008,~~ *additional information by specified deadlines* regarding school and school district dropout rates ~~for pupils enrolled in the 9th grade,~~ *high school graduation rates, and outcomes related to college and career readiness. The bill would also require the Superintendent to establish a broadly representative and diverse advisory committee to advise him or her and the state board on issues related to revision of the API and the inclusion of multiple measures and to recommend college and career related outcomes that provide meaningful insight*

into the program quality of public elementary and secondary schools and can be incorporated into the API by July 1, 2009.

Vote: majority. Appropriation: no. Fiscal committee: yes.
State-mandated local program: no.

The people of the State of California do enact as follows:

1 SECTION 1. (a) The Legislature finds and declares all of the
2 following:

3 (1) The high number of children leaving school without
4 completing their high school education poses a serious threat to
5 ~~the children themselves~~ *children*, their families, schools, and
6 communities, and ~~to the economic~~ *the* competitiveness and
7 well-being of the California economy. The potential adverse
8 impacts of the high school dropout crisis include a strain on the
9 social welfare system and a shortage of well educated Californians
10 to fuel the 21st century economy.

11 (2) New research suggests that fewer than 70 percent of 9th
12 graders in California, and fewer than 50 percent *of 9th graders* in
13 some school districts, graduate from high school. More than
14 150,000 California high school pupils may be leaving high school
15 each year without a diploma.

16 (3) If the dropout crisis is left unchecked, demographic trends
17 suggest that the rate of future dropouts will increase. Latinos are
18 more than twice as likely as whites to leave school before
19 graduation. The Department of Finance estimates that the public
20 school enrollment of Latinos will increase by 18 percent in the
21 next 10 years. The Public Policy Institute of California predicts
22 there will be twice as many high school dropouts in California in
23 2025 as there will be jobs to support them.

24 (4) The high school dropout crisis will have detrimental effects
25 on some of the largest industries in California, including computer
26 technology and software engineering, health care, manufacturing,
27 biotechnology, the building and automotive trades, entertainment,
28 and other sectors that rely on an adequately educated workforce
29 with a minimum of a high school education.

30 (5) Dropouts impose substantial social costs on the state. They
31 are less likely than high school graduates to be employed. The jobs
32 they do find pay substantially lower wages. As a result, dropouts
33 pay lower taxes and are more likely to require public welfare

1 support. Dropouts also have poorer health and are more likely to
2 require public health support.

3 (6) Dropouts are more likely to commit crimes and become
4 incarcerated. More than 80 percent of the prisoners in California
5 in 2005 did not graduate from high school. In 2006, each inmate
6 cost California taxpayers an average of thirty-four thousand one
7 hundred fifty dollars (\$34,150), according to the Department of
8 Corrections and Rehabilitation.

9 (7) Families and communities play an important role in keeping
10 children on track toward high school graduation. However, schools
11 are responsible for creating programs that engage children of
12 different backgrounds, interests, and skill levels, and for keeping
13 a close watch on truancy, course failure, and behavior problems
14 that are the markers of a pupil at risk for dropping out of school.

15 ~~(b) It is the intent of the Legislature to do all of the following:~~

16 ~~(1) Take action to encourage more children and families to~~
17 ~~comply with the compulsory education law, which requires children~~
18 ~~to stay in school until 18 years of age, with few exceptions.~~

19 ~~(2) Require the state education data collection and reporting~~
20 ~~system to efficiently and accurately report school-level data on~~
21 ~~high school dropouts and accurately identify elementary, middle,~~
22 ~~and high school pupils who display warning signs of~~
23 ~~disengagement from school.~~

24 ~~(3) Ensure that schools develop strategies to help pupils get~~
25 ~~back on track who are identified as being at risk of dropping out~~
26 ~~of school.~~

27 ~~(4) Create greater opportunities for at-risk pupils to develop~~
28 ~~meaningful relationships with teachers, counselors, or both, who~~
29 ~~know the pupils as individuals; for the close monitoring of the~~
30 ~~attendance of at-risk pupils; for the tracking of the progress of~~
31 ~~at-risk pupils in school; for study and life skills to be imparted to~~
32 ~~at-risk pupils; and for at-risk pupils to receive help in understanding~~
33 ~~the value of a high school diploma and a college degree to their~~
34 ~~future productivity and prosperity.~~

35 *(b) It is the intent of the Legislature in enacting this act to reflect*
36 *the public's fundamental expectation that public schools engage*
37 *pupils, keep them on track for graduation, and prepare them for*
38 *success after high school in college or immediate entry into a*
39 *career.*

1 SEC. 2. Section 52052 of the Education Code is amended to
2 read:

3 52052. (a) (1) The Superintendent, with approval of the state
4 board, shall develop an Academic Performance Index (API), to
5 measure the performance of schools, especially the academic
6 performance of pupils.

7 (2) A school shall demonstrate comparable improvement in
8 academic achievement as measured by the API by all numerically
9 significant pupil subgroups at the school, including:

- 10 (A) Ethnic subgroups.
11 (B) Socioeconomically disadvantaged pupils.
12 (C) English language learners.
13 (D) Pupils with disabilities.

14 (3) (A) For purposes of this section, a numerically significant
15 pupil subgroup is one that meets both of the following criteria:

16 (i) The subgroup consists of at least 50 pupils each of whom
17 has a valid test score.

18 (ii) The subgroup constitutes at least 15 percent of the total
19 population of pupils at a school who have valid test scores.

20 (B) If a subgroup does not constitute 15 percent of the total
21 population of pupils at a school who have valid test scores, the
22 subgroup may constitute a numerically significant pupil subgroup
23 if it has at least 100 valid test scores.

24 (C) For a school with an API score that is based on no fewer
25 than 11 and no more than 99 pupils with valid test scores,
26 numerically significant subgroups shall be defined by the
27 Superintendent, with approval by the state board.

28 (4) The API shall consist of a variety of indicators currently
29 reported to the department, including, but not limited to, the results
30 of the achievement test administered pursuant to Section 60640,
31 attendance rates for pupils in elementary schools, middle schools,
32 and secondary schools, and the graduation rates for pupils in
33 secondary schools.

34 (A) Graduation rates for pupils in secondary schools shall be
35 calculated for the API as follows:

36 (i) The number of pupils who graduated on time for the current
37 school year, which is considered to be three school years after the
38 pupils entered 9th grade for the first time, divided by the total
39 calculated in paragraph (2).

1 (ii) The number of pupils entering 9th grade for the first time
2 in the school year three school years prior to the current school
3 year, plus the number of pupils who transferred into the class
4 graduating at the end of the current school year between the school
5 year that was three school years prior to the current school year
6 and the date of graduation, less the number of pupils who
7 transferred out of the school between the school year that was three
8 school years prior to the current school year and the date of
9 graduation who were members of the class that is graduating at
10 the end of the current school year.

11 (B) (i) The pupil data collected for the API that comes from
12 the achievement test administered pursuant to Sections 60640 and
13 60644 and the high school exit examination administered pursuant
14 to Section 60851, when fully implemented, shall be disaggregated
15 by special education status, English language learners,
16 socioeconomic status, gender and ethnic group. ~~Only~~ *The API shall*
17 *include both of the following:*

18 (I) *Only* the test scores of pupils who were counted as part of
19 the enrollment in the annual data collection of the California Basic
20 Educational Data System for the current fiscal year and who were
21 continuously enrolled during that year may be included in the test
22 result reports in the API score of the school.

23 (II) *The test scores of enrolled pupils who were referred to an*
24 *alternative education program, including community, community*
25 *day, and continuation high schools and independent study, that is*
26 *designed to enroll pupils for less than one school year.*

27 (ii) Results of the achievement test and other tests specified in
28 subdivision (b) shall constitute at least 60 percent of the value of
29 the index.

30 (C) Before including high school graduation rates and attendance
31 rates in the API, the Superintendent shall determine the extent to
32 which the data are currently reported to the state and the accuracy
33 of the data. Notwithstanding any other provision of law, graduation
34 rates for pupils in dropout recovery high schools shall not be
35 included in the API. For purposes of this subparagraph, “dropout
36 recovery high school” means a high school in which 50 percent
37 or more of its pupils have been designated as dropouts pursuant
38 to the exit/withdrawal codes developed by the department.

39 (D) The Superintendent shall provide an annual report to the
40 Legislature on the graduation and dropout rates in California and

1 shall make the same report available to the public. The report shall
2 be accompanied by the release of publicly accessible data for each
3 school district and school in a manner that provides for
4 disaggregation based upon socioeconomically disadvantaged pupils
5 and numerically significant subgroups scoring below average on
6 statewide standards aligned assessments. In addition, the data shall
7 be made available in a manner that provides for comparisons of a
8 minimum of three years of data.

9 (b) Pupil scores from the following tests, when available and
10 when found to be valid and reliable for this purpose, shall be
11 incorporated into the API:

12 (1) The assessment of the applied academic skills matrix test
13 developed pursuant to Section 60604.

14 (2) The nationally normed test designated pursuant to Section
15 60642.

16 (3) The standards-based achievement tests provided for in
17 Section 60642.5.

18 (4) The high school exit examination.

19 (c) Based on the API, the Superintendent shall develop, and the
20 state board shall adopt, expected annual percentage growth targets
21 for all schools based on their API baseline score from the previous
22 year. Schools are expected to meet these growth targets through
23 effective allocation of available resources. For schools below the
24 statewide API performance target adopted by the state board
25 pursuant to subdivision (d), the minimum annual percentage growth
26 target shall be 5 percent of the difference between the actual API
27 score of a school and the statewide API performance target, or one
28 API point, whichever is greater. Schools at or above the statewide
29 API performance target shall have, as their growth target,
30 maintenance of their API score above the statewide API
31 performance target. However, the state board may set differential
32 growth targets based on grade level of instruction and may set
33 higher growth targets for the lowest performing schools because
34 they have the greatest room for improvement. To meet its growth
35 target, a school shall demonstrate that the annual growth in its API
36 is equal to or more than its schoolwide annual percentage growth
37 target and that all numerically significant pupil subgroups, as
38 defined in subdivision (a), are making comparable improvement.

39 (d) Upon adoption of state performance standards by the state
40 board, the Superintendent shall recommend, and the state board

1 shall adopt, a statewide API performance target that includes
2 consideration of performance standards and represents the
3 proficiency level required to meet the state performance target.
4 When the API is fully developed, schools must, at a minimum,
5 meet their annual API growth targets to be eligible for the
6 Governor’s Performance Award Program as set forth in Section
7 52057. The state board may establish additional criteria that schools
8 must meet to be eligible for the Governor’s Performance Award
9 Program.

10 (e) The API shall be used for both of the following:

11 (1) Measuring the progress of schools selected for participation
12 in the Immediate Intervention/Underperforming Schools Program
13 pursuant to Section 52053.

14 (2) Ranking all public schools in the state for the purpose of the
15 High Achieving/Improving Schools Program pursuant to Section
16 52056.

17 (f) (1) A school with 11 to 99 pupils with valid test scores shall
18 receive an API score with an asterisk that indicates less statistical
19 certainty than API scores based on 100 or more test scores.

20 (2) A school shall annually receive an API score, unless the
21 Superintendent determines that an API score would be an invalid
22 measure of the performance of the school for one or more of the
23 following reasons:

24 (A) Irregularities in testing procedures occurred.

25 (B) The data used to calculate the API score of the school are
26 not representative of the pupil population at the school.

27 (C) Significant demographic changes in the pupil population
28 render year-to-year comparisons of pupil performance invalid.

29 (D) The department discovers or receives information indicating
30 that the integrity of the API score has been compromised.

31 (E) Insufficient pupil participation in the assessments included
32 in the API.

33 (3) If a school has less than 100 pupils with valid test scores,
34 the calculation of the API or adequate yearly progress pursuant to
35 the federal No Child Left Behind Act of 2001 (20 U.S.C. Sec. 6301
36 et seq.) and federal regulations may be calculated over more than
37 one annual administration of the tests administered pursuant to
38 Sections 60640 and 60644 and the high school exit examination
39 administered pursuant to Section 60851, consistent with regulations
40 adopted by the state board.

1 (g) Only schools with 100 or more test scores contributing to
2 the API may be included in the API rankings.

3 (h) The Superintendent, with the approval of the state board,
4 shall develop an alternative accountability system for schools under
5 the jurisdiction of a county board of education or a county
6 superintendent of schools, community day schools, nonpublic,
7 nonsectarian schools pursuant to Section 56366, and alternative
8 schools serving high-risk pupils, including continuation high
9 schools and opportunity schools. Schools in the alternative
10 accountability system may receive an API score, but shall not be
11 included in the API rankings.

12 (i) The Superintendent, with the approval of the state board,
13 shall revise the API to do all of the following:

14 (1) By July 1, 2008, include school and school district dropout
15 rates for pupils who drop out of school while enrolled in the 9th
16 ~~grade 8th or 9th grade.~~

17 ~~(2) Include multiple measures, including, but not limited to, all
18 of the following:~~

19 ~~(A) The availability at public high schools of prerequisite
20 courses required for admission to the California State University
21 or the University of California and advanced placement courses
22 taught by appropriately trained teachers.~~

23 ~~(B) The percentage of pupils graduating from high school who
24 are enrolling in community college and other institutions of
25 postsecondary education.~~

26 ~~(C) The percentage of high school pupils who are deemed ready
27 for nonremedial college courses.~~

28 ~~(D) The percentage of high school graduates who earn associate,
29 bachelor's, and technical degrees from institutions of postsecondary
30 education.~~

31 ~~(E) Employment data for high school graduates, including wage
32 and salary information.~~

33 ~~(3) Assign accountability to the school and school district of
34 residence for pupils enrolled in alternative education programs,
35 including continuation high schools and independent study, to
36 ensure that placement decisions are in the best interests of affected
37 pupils.~~

38 ~~(2) By July 1, 2008, assign all accountability data on pupils in
39 alternative education programs, including community, community
40 day, and continuation high schools and independent study, to the~~

1 *school and school district of residence, to ensure that placement*
2 *decisions are in the best interests of affected pupils.*

3 *(3) By July 1, 2009, include high school graduation rates, as*
4 *calculated pursuant to subparagraph (A) of paragraph (4) of*
5 *subdivision (a).*

6 *(4) By July 1, 2009, include outcomes related to college and*
7 *career readiness, based on recommendations received pursuant*
8 *to subparagraph (A).*

9 *(A) The Superintendent shall establish a broadly representative*
10 *and diverse advisory committee to advise him or her and the state*
11 *board on issues related to revision of the API and the inclusion of*
12 *multiple measures and to recommend college and career related*
13 *outcomes that provide meaningful insight into the program quality*
14 *of public elementary and secondary schools and can be*
15 *incorporated into the API by July 1, 2009.*

16 *(B) The advisory committee's recommendations also shall*
17 *include data and connections between the data systems of*
18 *elementary and secondary schools, institutions of postsecondary*
19 *education, and employers that are necessary for establishing more*
20 *robust and reliable indicators of the performance of elementary*
21 *and secondary schools based on college and career related*
22 *outcomes. The committee shall include representatives from all*
23 *segments of education in California, the business and labor*
24 *communities, and any related state agencies or departments.*

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